

ROBINS  KAPLAN LLP

1325 AVENUE OF THE AMERICAS 212 980 7400 TEL  
SUITE 2601 212 980 7499 FAX  
NEW YORK, NY 10019 ROBINSKAPLAN.COM

GABRIEL BERG  
212 980 7458 TEL  
GBERG@ROBINSKAPLAN.COM

January 31, 2024

**VIA ECF**

Hon. Cathy Seibel  
United States District Judge  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601-4150

Re: *The Wave Studio, LLC v. General Hotel Management Ltd. et al.*,  
Case No. 7-13-cv-09239-CS-VR

Dear Judge Seibel:

We are counsel to The Wave Studio, LLC in the above captioned action. We write in an effort to avoid unnecessary motion practice by Defendant Trip.com, including affiliated Trip.com Defendants ("Trip.com") – and to promote the orderly administration of justice in this matter.

On January 18, 2024, the *The Wave Studio, LLC v. trivago N.V. et al.*, Case No. 7-13-cv-03586-NSR-VR matter (including the Trip.com Defendants) was reassigned to Your Honor as a related case in the above captioned jointly administered matter. The *trivago* case now appears on the docket in the main *GHM* action. A docket entry in the *trivago* case notes that it is now part of a "consolidated member case: Create association to 7:13-cv-09239-CS-PED. (tro) (Entered: 01/18/2024)," i.e., the *GHM* jointly administered matter.

On January 16, 2024, Plaintiff filed a Master Complaint, including allegations against all Defendants in all the jointly administered copyright infringement cases, including all Defendants in the *trivago* action. At a November 29, 2023 premotion conference to lift the stay, the Court indicated that it was open to the reassignment of the *trivago* matter to this case. ECF 321 at 23-24. We were pleased to see the reassignment and thank the Court for taking this action.

At the premotion conference, this Court ordered the parties to use the ninety days following the filing of the Master Complaint to try to resolve this dispute, or at least attempt to shrink the number of Defendants. This Court also precluded the filing

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of motions prior to the parties' attempts to resolve the case. Trip.com appeared at the premotion conference—and opposed the reassignment of the *trivago* case. *Id.* at 39-40. Prior to the reassignment of the *trivago* matter, the Trip.com Defendants had served on Plaintiff their opening brief on a motion to dismiss. After the reassignment, Plaintiff presumed that Trip.com would abide by this Court's Order, especially since Trip.com participated in the premotion conference, opposed reassignment and the Scheduling Order in the *trivago* case and Trip.com's motion was mooted by the reassignment.

Yet, Trip.com has indicated that it "will be following Judge Román's order by filing our reply on the motion to dismiss by February 15. If our motion is unopposed, then our reply will simply notify the court of the un-opposed motion to dismiss," unless this Court "orders otherwise." Exhibit 1. As a result of Trip.com's position, Plaintiff respectfully requests that this Court enter and Order dismissing, as moot, Trip.com's motion to dismiss, without prejudice to refileing it at the appropriate time.

To the extent the Court requires a motion to achieve the relief requested, we respectfully request that the Court treat this letter as a premotion letter.

Respectfully Submitted,

*Gabriel Berg*

Gabriel Berg  
Partner